



4/2/2

1780
Receipt

PATENT

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Assistant Commissioner for Patents, Washington, DC 20231 on January 23, 2002.

Wayne J. Jacobs Reg. #5,553

Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Appln. Of: John Linville, Donald R. Maier and Patrick M. Saaf
Serial No.: 09/878,743
Filed: June 11, 2001
Group Art Unit: 1732
Examiner: Mary Lynn F. Theisen
Title: CASKET LID AND METHOD OF MAKING SAME

Cincinnati, OH 45202

January 23, 2002

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

REQUEST FOR CORRECTED FILING RECEIPT

It is noted that the Filing Receipt (copy enclosed) issued in connection with the above-identified application indicates that this application is a continuation of U.S. application Serial No. 09/153,626 filed September 15, 1998, now U.S. Patent No. 6,243,931 issued June 12, 2001. In fact, the present application should be denoted as a divisional of application Serial No. 09/153,626. See the Examiner's December 28, 1999 first Official Action in the parent, U.S. application Serial No. 09/153,626 (copy enclosed) requiring election between method and product claims and indicating Applicants' election of the method claims, the Examiner's May 6, 2002 first Official Action in the present application (copy enclosed) requiring election between method and product claims and Applicants' July 1, 2002 Response To

Restriction Requirement in the present application (copy enclosed) electing the product claims.

It is noted that Applicants' Utility Patent Application Transmittal dated June 11, 2001 (copy enclosed) incorrectly identified the present application as a continuation of Serial No. 09/153,626, not as a divisional. Applicants regret this error and apologize for the inconvenience caused by the error.

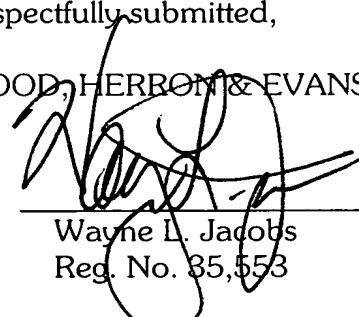
It is respectfully requested, in view of the above facts and attached submissions, that a new corrected filing receipt be issued to reflect that the above-captioned application is a divisional application of U.S. application Serial No. 09/153,626 filed September 15, 1998, now U.S. Patent No. 6,243,931.

Applicants believe that no fee is due in connection with the filing of this Request For Corrected Filing Receipt. However, in the event that any fee is due, please charge deposit account 23-3000.

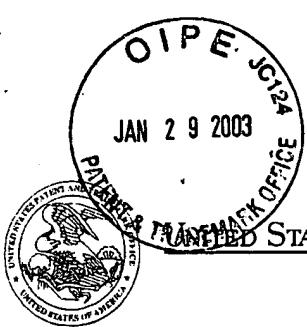
Respectfully submitted,

WOOD, HERRON & EVANS

By:


Wayne L. Jacobs
Reg. No. 35,553

2700 Carew Tower
Cincinnati, OH 45202
(513) 241-2324



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

| APPLICATION NUMBER | FILING DATE | GRP ART UNIT | FIL FEE REC'D | ATTY.DOCKET.NO | DRAWINGS | TOT CLAIMS | IND CLAIMS |
|--------------------|-------------|--------------|---------------|-----------------|----------|------------|------------|
| 09/878,743 | 06/11/2001 | 1732 | 1300 | HILB / 624C2 | 4 | 35 | 7 |

CONFIRMATION NO. 4326

FILING RECEIPT



OC000000006244812

WOOD, HERRON & EVANS, L.L.P.
2700 Carew Tower
Cincinnati, OH 45202

Date Mailed: 06/29/2001

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

John E. Linville, Louisville, KY;
Donald R. Maier, Cincinnati, OH;
Patrick M. Saaf, Batesville, IN;

WOOD, HERRON & EVANS
CINCINNATI, OHIORECEIVED
JUL 2 2001
69

Assignment For Published Patent Application

Batesville Services, Inc.;

Domestic Priority data as claimed by applicant

THIS APPLICATION IS A CON OF 09/153,626 09/15/1998 PAT 6,243,931

Foreign Applications

If Required, Foreign Filing License Granted 06/28/2001

Projected Publication Date: 10/11/2001

Non-Publication Request: No

Early Publication Request: No

Title

Casket lid and method of making same

Preliminary Class

027

Data entry by : ZEWDIE, HULEMENAYE

Team : OIPE

Date: 06/29/2001



**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

PLEASE NOTE the following information about the Filing Receipt:

- The articles such as "a," "an" and "the" are not included as the first words in the title of an application. They are considered to be unnecessary to the understanding of the title.
- The words "new," "improved," "improvements in" or "relating to" are not included as first words in the title of an application because a patent application, by nature, is a new idea or improvement.
- The title may be truncated if it consists of more than 500 characters (letters and spaces combined).
- The docket number allows a maximum of 25 characters.
- If your application was submitted under 37 CFR 1.10, your filing date should be the "date in" found on the Express Mail label. If there is a discrepancy, you should submit a request for a corrected Filing Receipt along with a copy of the Express Mail label showing the "date in."
- The title is recorded in sentence case.

Any corrections that may need to be done to your Filing Receipt should be directed to:

Assistant Commissioner for Patents
Office of Initial Patent Examination
Customer Service Center
Washington, DC 20231

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
|-----------------|-------------|----------------------|---------------------|
|-----------------|-------------|----------------------|---------------------|

09/153,626 09/15/98 LINVILLE J HILB/624

IM22/1228

EXAMINER

WAYNE L JACOBS
WOOD HERRON & EVANS
2700 CAREW TOWER
441 VINE STREET
CINCINNATI OH 45202-2917

THEISEN, M

| ART UNIT | PAPER NUMBER |
|----------|--------------|
| 1732 | 3 |

DATE MAILED: 12/28/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

WOOD, HERRON & EVANS
SAC

99 DEC 30 2001 : 57

RECEIVED

| | | |
|------------------------------|--------------------------------------|---------------------------------------|
| Office Action Summary | Application No. 09/153,626 | Applicant(s) Linville et al |
| | Examiner Mary Lynn Theisen | Group Art Unit 1732 |

- Responsive to communication(s) filed on _____.
- This action is **FINAL**.
- Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

- Claim(s) 1-35 is/are pending in the application.
- Of the above, claim(s) 21-32 and 35 is/are withdrawn from consideration.
- Claim(s) _____ is/are allowed.
- Claim(s) 1-3, 6-10, 13-15, 18-20, 33, and 34 is/are rejected.
- Claim(s) 4, 5, 11, 12, 16, and 17 is/are objected to.
- Claims _____ are subject to restriction or election requirement.

Application Papers

- See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- The drawing(s) filed on _____ is/are objected to by the Examiner.
- The proposed drawing correction, filed on _____ is approved disapproved.
- The specification is objected to by the Examiner.
- The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- All Some* None of the CERTIFIED copies of the priority documents have been
- received.
 - received in Application No. (Series Code/Serial Number) _____.
 - received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- *Certified copies not received: _____.
- Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- Notice of References Cited, PTO-892
- Information Disclosure Statement(s), PTO-1449, Paper No(s). 2
- Interview Summary, PTO-413
- Notice of Draftsperson's Patent Drawing Review, PTO-948
- Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 1732

DETAILED ACTION

Election/Restriction

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-20, 33 and 34, drawn to a method of making a casket lid, classified in class 264, subclass 112.
 - II. Claims 21-32 and 35, drawn to a casket lid, classified in class 27, subclass 14.
2. The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the product as claimed can be made by another and materially different process such as fabricating a unitary casket lid by applying fiberglass and resin to a form in the shape of a casket lid, namely the process known as 'laying up' or by reshaping a preformed sheet of fibers and resin.

3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Art Unit: 1732

4. During a telephone conversation Between Wayne Jacobs and Examiner William Miller on August 4, 1999 a provisional election was made without traverse to prosecute the invention of group I, claims 1-20, 33 and 34. Affirmation of this election must be made by applicant in replying to this Office action. Claims 21-32 and 35 withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(I).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor

Art Unit: 1732

and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103© and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 1-3, 6-10, 13, 15, 18-20, 33 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Edwards in view of Elder and Nishibori.

Edwards discloses molding a casket using cellulosic material (wood pulp, rice straw, paper pulp) using an appropriately shaped mold. Elder shows a casket lid having a crown, a pie, a rim and a header. It would have been obvious to one of ordinary skill in the art to use the method of Edwards to form a casket lid with crown, pie, rim, and header because this is a conventional shape for casket lids as evidenced by Elder. Nishibori is directed to molding cellulosic material into any shape. The product may have a wood grain or a decorative sheet applied thereto (column 5, lines 26-41). It would have been obvious to one of ordinary skill in the art to apply a wood grain pattern to the molds of Edwards because Edwards indicates that artistic beauty can be had by forming the molds to give the desired result (column 2, first paragraph) and Nishibori shows that mold can be shaped to provide a wood grain.

Allowable Subject Matter

8. Claims 4, 5, 11, 12, 16 and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Art Unit: 1732

9. The following is a statement of reasons for the indication of allowable subject matter: The prior art does not suggest that the wood grain pattern be applied in the manner set forth in the claims.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Schultz discloses applying a wood grain during molding (see Fig. 1).

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mary Lynn F. Theisen whose telephone number is (703) 308-2312. The examiner can normally be reached on Thursday and Friday from 6:30 a.m. to 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Jan H. Silbaugh, can be reached on (703) 308-3829. The fax phone number for this Group is (703) 305-7718.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0661.

Mary Lynn Theisen
MARY LYNN F. THEISEN
PRIMARY EXAMINER
ART UNIT 1732
December 17, 1999



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: John E. Linville, Donald R. Maier, Patrick M.
Saaf

Atty. Docket: HILB / 624C2

Title: CASKET LID AND METHOD OF MAKING SAME

CERTIFICATE OF MAILING BY EXPRESS MAIL - 37 CFR 1.10

'Express Mail' mailing label number: EL725699945US
Date of Deposit: June 11, 2001

I certify that this paper or fee (along with the enclosures noted herein) is being deposited with the United States Postal Service 'Express Mail Post Office to Addressee' service under 37 CFR 1.10 on the above date and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Ryan Cummins
By: Ryan Cummins (person mailing paper)

UTILITY PATENT APPLICATION TRANSMITTAL

BOX PATENT APPLICATION
Assistant Commissioner for Patents
Washington, D.C. 20231

This is a request for filing, under 37 CFR § 1.53(b), a(n):

- Original (non-provisional) application.
- Divisional of prior application Serial No. __, filed on __.
- Continuation of prior application Serial No. 09/153,626, filed on September 15, 1998.
- Continuation-in-part of prior application Serial No. __, filed on __.

For Divisional and Continuation applications ONLY:

- Copy of Executed Declaration, Power of Attorney and Petition Form from parent application is enclosed (as noted below in Enclosures).
- Incorporation by Reference: The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied herewith, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

For all Divisional, Continuation and Continuation-in-part applications:

- Small Entity Status was requested in the prior application, and small entity status is still proper and desired.
- This application is assigned to Batesville Services, Inc. by virtue of an earlier assignment filed in the prior application at Reel 9465, Frame 687-689.

PRELIMINARY AMENDMENT/CALCULATION OF FEES

- Please cancel claims __ without prejudice, and prior to calculating the fees. __ total claim(s), of which __ is(are) independent, is(are) pending after the amendment.
- Please enter the enclosed preliminary amendment identified below prior to calculating the fees. __ total claim(s), of which __ is(are) independent, is(are) pending after the amendment.

- Small Entity Status is Requested
- The Fees are Calculated as Follows:

| Fee: | Number of Claims: | In Excess of: | Extra: | At Rate: | Amount: |
|--|-------------------|---------------|--------|----------|----------|
| Total Claims | 35 | 20 | 15 | \$18 | \$270.00 |
| Independent Claims | 9 | 3 | 6 | \$80 | \$480.00 |
| MULTIPLE DEPENDENT CLAIM FEE | | | | | |
| BASIC FEE | | | | | |
| TOTAL OF ABOVE CALCULATIONS | | | | | |
| REDUCTION BY 50% FOR FILING BY SMALL ENTITY | | | | | |
| TOTAL | | | | | |
| \$1,460.00 | | | | | |

ENCLOSURES

- Utility Patent Application Transmittal Form (in duplicate) containing Certificate of Mailing By Express Mail Under 37 CFR 1.10.
- Return Postcard.

APPLICATION PAPERS

- Utility Patent Application, with: 40 page(s) specification (including 35 total claim(s), of which 9 is(are) independent), and 1 page(s) abstract.
- Drawings: 4 sheet(s) of formal drawings (10 total figure(s)).
- Microfiche Computer Program (Appendix).
- Nucleotide and/or Amino Acid Sequence, including (all are necessary): Computer Readable Copy, Paper Copy (identical to computer copy), and Statement verifying identity of copies.
- An _____ Declaration, Power of Attorney and Petition Form.
- Copy of Executed Declaration, Power of Attorney and Petition Form from prior application identified above.
- Certified Copy of priority document(s) identified as attached above.

ADDITIONAL PAPERS

- Assignment to ___, Recordation Cover Sheet (Form PTO-1595)
- Preliminary Amendment (to be entered prior to calculation of fees)
- Information Disclosure Statement, __ sheet(s) Form PTO-1449, __ U.S. Patent Reference(s), __ Foreign Patent Reference(s) and __ Other Reference(s)
- Other: __

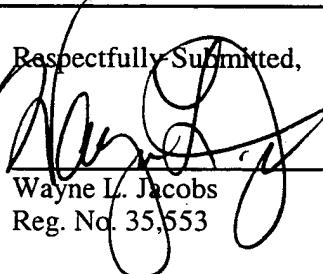
CHECKS

- A Check of \$1,460.00 for the filing fee.
- A Check of __ for the assignment recording fee.

DEPOSIT ACCOUNT AUTHORIZATION

- Please charge Deposit Account No. 23-3000 in the amount of ____.
- The Commissioner is authorized to charge any fees under 37 CFR 1.16 and 1.17 which may be required during the entire pendency of the application, or credit any overpayment, to Deposit Account No. 23-3000. A duplicate of this transmittal is attached.
- THE PAYMENT OF FEES IS BEING DEFERRED.
-

Respectfully Submitted,


Wayne L. Jacobs
Reg. No. 35,553

WOOD, HERRON & EVANS, L.L.P.
2700 Carew Tower
Cincinnati, Ohio 45202
(513) 241-2324

/mad



UNITED STATES PATENT AND TRADEMARK OFFICE

db
UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/878,743 | 06/11/2001 | John E. Linville | HILB / 624C2 | 4326 |

7590 05/06/2002

WOOD, HERRON & EVANS, L.L.P.
2700 Carew Tower
Cincinnati, OH 45202

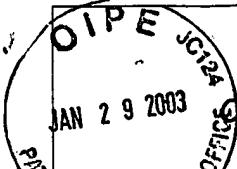
EXAMINER

THEISEN, MARY LYNN F

| ART UNIT | PAPER NUMBER |
|----------|--------------|
| 1732 | 3 |

DATE MAILED: 05/06/2002

Please find below and/or attached an Office communication concerning this application or proceeding.



Office Action Summary

Application No.

09/878,743

Applicant(s)

LINVILLE ET AL.

Examiner

Mary Lynn F. Theisen

Art Unit

1732

The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) _____ is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) 1-35 are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some *
 - c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 - a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 1732

DETAILED ACTION

Election/Restriction

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-20, 33 and 34, drawn to a method of making a casket lid, classified in class 264, subclass 112.
 - II. Claims 21-32 and 35, drawn to a casket lid, classified in class 27, subclass 14.
2. The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the product as claimed can be made by another and materially different process such as fabricating a unitary casket lid by applying fiberglass and resin to a form in the shape of a casket lid, namely the process known as 'laying up' or by reshaping a preformed sheet of fibers and resin.

3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Art Unit: 1732

4. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(I).

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mary Lynn F. Theisen whose telephone number is (703) 308-2312. The examiner can normally be reached on Thursday and Friday from 6:30 a.m. to 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Jan H. Silbaugh, can be reached on (703) 308-3829. The fax phone number for this Group is (703) 305-7718.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0661.

Mary Lynn Theisen
MARY LYNN F. THEISEN
PRIMARY EXAMINER
ART UNIT 1732
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